## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

Jeffrey Jeter	,	MBS
	\$	Civil Action No. 6:07-3878-
	Plaintiff,	
vs.	;	REPORT OF MAGISTRATE JUDGE
John LaManna, Warden,	;	
	Defendant.	) ) )

The petitioner brought this action seeking relief pursuant to Title 28, United States Code, Section 2241. On January 23, 2008, the respondent filed a motion for summary judgment. On January 24, 2008, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. On April 10, 2008, the petitioner filed a motion seeking copies of previous orders in this case. On April 14, 2008, the court granted the petitioner's motion, directed the Clerk to provide the orders to the petitioner, and gave the petitioner through May 8, 2008, to respond to the motion for summary judgment, advising the petitioner that his failure to respond could result in the case being dismissed with prejudice. Despite this explanation, the petitioner elected not to respond to the motion.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

May 12, 2008 Greenville, South Carolina s/William M. Catoe United States Magistrate Judge